

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #4	CCRB Case #: 201405612	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 06/04/2014 3:45 PM	Location of Incident: 480 Waverly Avenue	Precinct: 88	18 Mo. SOL 12/4/2015	EO SOL 12/4/2015	
Date/Time CV Reported Mon, 06/09/2014 9:22 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 06/09/2014 9:22 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Sekou Bourne	05941	924971	NARCBBN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Raymond Gordon	04592	916966	NARCBBN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Sekou Bourne	Force: Det. Sekou Bourne used physical force against § 87(2)(b)	
B.DT3 Sekou Bourne	Discourtesy: Det. Sekou Bourne spoke discourteously to § 87(2)(b)	
C.DT3 Sekou Bourne	Abuse: Det. Sekou Bourne threatened an individual with the use of force.	
D.DT3 Sekou Bourne	Force: Det. Sekou Bourne used physical force against § 87(2)(b)	

Case Summary

On June 9, 2014, § 87(2)(b) filed this complaint with the CCRB via telephone on behalf of her son, § 87(2)(b) did not witness the incident herself.

At approximately 3:45 p.m. on June 4, 2014, § 87(2)(b) was arrested for § 87(2)(b) in front of 480 Waverly Avenue, in Brooklyn. The following allegations resulted:

- **Allegation A: Force - Det. Sekou Bourne used physical force against** § 87(2)(b)
§ 87(2)(g)
- **Allegation B: Discourtesy – Det. Sekou Bourne spoke discourteously to** § 87(2)(b)
§ 87(2)(g)
- **Allegation C: Abuse of Authority – Det. Sekou Bourne threatened** § 87(2)(b)
with the use of force.
§ 87(2)(g)
- **Allegation D: Force - Det. Sekou Bourne used physical force against** § 87(2)(b)
§ 87(2)(g)

This complaint was not eligible for mediation due to § 87(2)(b)'s arrest. § 87(2)(g)

Results of Investigation

Civilian Statement(s)

- Victim:** § 87(2)(b)
- § 87(2)(b) § 87(2)(b) *old at the time of the incident, is a 5'10", 226-pound black male with black hair and brown eyes.* § 87(2)(b)

Arrest Photograph

In his arrest photograph, there is swelling visible around § 87(2)(b)'s left eye (Encl. 5F).

Notice of Claim

§ 87(2)(b) and § 87(2)(b) jointly filed a notice of claim with the Comptroller's office on § 87(2)(b). The narrative was generally consistent with § 87(2)(b)'s sworn statement, save that it gave the incident location as the intersection of DeKalb and Classon Avenues, in Brooklyn. This location corresponds to the 88th Precinct stationhouse, which is located approximately half a mile from 480 Waverly Avenue (Encl. 5D-E).

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on June 16, 2014 (Encl. 5A-C). His statement was generally consistent with his initial complaint, filed on June 9, 2014 (Encl. 4A-B). At approximately 3:45 p.m. on June 4, 2014, § 87(2)(b) was sitting on a railing with a large group of people near the intersection of Waverly Avenue and Fulton Street, in Brooklyn. In the group, § 87(2)(b) only knew three people: his cousins § 87(2)(b) and § 87(2)(b). The other people in the group were relatives of his cousins, and he did not know their names. The group's demeanor was calm and relaxed at the time. As they walked, several members of the group, including § 87(2)(b) were passing a cigarette between them. No other objects were exchanged between § 87(2)(b) and the other members of the group. The cigarette contained tobacco, not marijuana. § 87(2)(b) denied having any marijuana on his person at the time, and was not aware of any of the other members of the group possessing marijuana.

While § 87(2)(b) was holding the cigarette, an unmarked blue van pulled up in front of the group. Two plainclothes officers, identified by the investigation as Det. Sekou Bourne and Det. Raymond Gordon of Brooklyn North Narcotics, exited the van and immediately ran towards § 87(2)(b) and his group. § 87(2)(b) described both officers as black males in their twenties. Neither detective had his shield displayed. As a result, § 87(2)(b) did not initially realize that they were police officers, and instead thought that Det. Bourne and Det. Gordon were about to attack him. Consequently, § 87(2)(b) and his friends ran north on Waverly Avenue, towards Gates Avenue. Det. Bourne and Det. Gordon pursued them. As § 87(2)(b) ran, he threw the cigarette to the ground.

After running approximately half a block, § 87(2)(b) decided to stop running. When asked why, he stated that he realized that since he had done nothing wrong, he had no reason to run. Neither Det. Bourne nor Det. Gordon said anything to § 87(2)(b) as they ran. He then stopped running, stopping in front of 480 Waverly Avenue, and turned to face Det. Bourne and Det. Gordon. When § 87(2)(b) stopped running, § 87(2)(b) and § 87(2)(b) stopped as well. § 87(2)(b) and the rest of the group continued running. § 87(2)(b) did not see them again during the incident. When § 87(2)(b) turned towards the detectives, he saw Det. Bourne pull his shield out from underneath his shirt, indicating to § 87(2)(b) that he actually a police officer. When Det. Bourne caught up to § 87(2)(b) he asked why they had run. § 87(2)(b) did not respond, and instead asked Det. Bourne what he had done wrong.

Det. Bourne made no reply, and instead pushed § 87(2)(b) in the chest using both hands. § 87(2)(b) fell down onto his back. At the time, § 87(2)(b) was standing next to a tree planted in the sidewalk, which was surrounded by a small metal fence. When § 87(2)(b) fell, his left elbow struck against the fence, and his right elbow hit the sidewalk. He suffered scrapes to both elbows as a result. Once § 87(2)(b) fell, he asked Det. Bourne why he was being arrested. Det. Bourne ignored the question, and ordered § 87(2)(b) to place his hands behind his back. § 87(2)(b) ignored this command, and instead asked Det. Bourne for his name, but Det. Bourne said nothing. Instead, he reached down and grabbed § 87(2)(b)'s right wrist.

Holding his right arm, Det. Bourne rolled § 87(2)(b) onto his left side, towards the fence. Det. Bourne brought § 87(2)(b)'s right arm behind his back as he rolled him. § 87(2)(b)'s left arm, however, was rolled underneath his torso. Det. Bourne then placed his foot on § 87(2)(b)'s back and pushed downwards, pinning him to the ground, and trapping § 87(2)(b)'s left arm beneath his chest. Det. Bourne then ordered § 87(2)(b) several times to put his left arm behind his back as well. § 87(2)(b) protested, telling Det. Bourne that he was unable to comply due to the

detective's foot on his back. Besides attempting to pull his arm out from underneath himself, § 87(2)(b) was not making any other kind of movement at that time.

§ 87(2)(b) struggled to free his arm for about one minute without success. Det. Bourne continued shouting at him, ordering him to place his left arm behind his back. Both § 87(2)(b) and § 87(2)(b) stood next to § 87(2)(b) and recorded the incident on their cell phones. Det. Gordon was standing behind Det. Bourne at that time, but did not say or do anything. After waiting approximately one minute for § 87(2)(b) to get his arm free, Det. Bourne punched § 87(2)(b) once on his left eye. § 87(2)(b) did not recall which hand Det. Bourne used. § 87(2)(b) immediately lost consciousness after being struck.

When § 87(2)(b) returned to consciousness, he was inside of an ambulance, and was handcuffed to the gurney. Two plainclothes officers, identified by the investigation as Det. Jon Gladstone and Det. Bruce Tulloch, were sitting in the ambulance with § 87(2)(b) § 87(2)(b) described both detectives as white males. Det. Gladstone had removed § 87(2)(b)'s shoes and was feeling inside of § 87(2)(b)'s socks. § 87(2)(b) described Det. Tulloch as a white male in his forties. Nothing was found in § 87(2)(b)'s shoes or socks. § 87(2)(b) did not see any other officer search him besides Det. Tulloch.

§ 87(2)(b) was driven to § 87(2)(b). The scrapes on his elbows were cleaned, and he was given painkillers. CAT scans and X-rays revealed that he had no fractures or further injuries. § 87(2)(b) was released from the hospital at § 87(2)(b), at which time he was taken to Brooklyn Central Booking. He was arraigned the next morning, and charged with § 87(2)(b). None of the other people § 87(2)(b) had been with were arrested.

At the conclusion of the interview, § 87(2)(b) showed a clip of cell phone video footage taken by either § 87(2)(b) or § 87(2)(b). In it, a black male in a black shirt can be seen standing over a black male in a white shirt who is lying on the ground. § 87(2)(b) identified himself as the male on the ground, and stated that the male over him was the same detective who had pushed him to the ground (identified by the investigation as Det. Bourne). § 87(2)(b) also stated that his pants can be seen down below his waist at 0:24 in the video. While § 87(2)(b) did not recall how his pants came to be in that position, he assumed that it was because Det. Bourne had pulled them down. He did not explain how he normally wears his pants, or why he felt that the pants had not fallen down naturally.

During his interview, § 87(2)(b) displayed scrapes to both of his elbows, allegedly received during the incident. Photographs were taken of these injuries (Encl. 5H).

Complainant: § 87(2)(b)

- § 87(2)(b) § 87(2)(b) at the time of the incident, is a 5'4", 153-pound black female with black hair and brown eyes. § 87(2)(b). § 87(2)(b) did not witness the incident herself, § 87(2)(g)

Attempts to Contact Civilians

- § 87(2)(b) stated that his cousins § 87(2)(b) and § 87(2)(b) witnessed the incident. § 87(2)(b) provided a telephone number, but not an address, for § 87(2)(b). A June 25, 2014 Lexis Nexis search returned no additional contact information for her. Between June 25, 2014 and October 16, 2014, seven calls were made

- to § 87(2)(b)'s number. Messages were left on each call. To date, § 87(2)(b) has not responded to any of these contact attempts.
- § 87(2)(b) provided an address, but not a telephone number, for § 87(2)(b) however, provided a number for § 87(2)(b)'s mother, § 87(2)(b). A first call was made to the § 87(2)(b)'s number on June 25, 2014. § 87(2)(b) called on July 1, 2014. She confirmed hers and her son's contact information and provided a brief telephone statement. She and § 87(2)(b) were present during the incident, but she only arrived after the allegations had occurred. § 87(2)(b) was not available at the time, but § 87(2)(b) took a message for him. Between July 7, 2014 and October 16, 2014, six additional calls were made to § 87(2)(b). The voicemail system was disabled on all of these calls except the fourth, so a message could only be left on that call. Please-call letters were mailed to § 87(2)(b) on June 25, 2014, July 23, 2014 and October 10, 2014. The first letter was returned to the CCRB by the US Postal Service, marked "unable to forward." The second and third letters, however, have not been returned. To date, § 87(2)(b) has not responded to these contact attempts.
 - § 87(2)(b) provided a telephone number, but not an address, for § 87(2)(b). A June 25, 2014 Lexis Nexis search returned no additional contact information for him. Two calls were made to § 87(2)(b) on June 25, 2014 and July 7, 2014. Messages were left on each call. During a third call on July 15, 2014, § 87(2)(b) answered. While he provided his address, he was uncertain if he wished to provide a statement at that time, and asked to call him back later when he had considered the matter. A modified please-call letter was mailed to § 87(2)(b) on July 18, 2014. A fourth call was made to § 87(2)(b) on July 21, 2014, and a voicemail was left. Later that day, § 87(2)(b) called and asked me to speak to his mother, § 87(2)(b) § 87(2)(b) stating that he would defer to her judgment with regards to any statement he wished to provide. The investigation process was explained to § 87(2)(b) who stated that she wanted time to consider the matter before advising her son to provide a statement. On July 23, 2014, a fifth call was made to the § 87(2)(b) and an in-person statement was scheduled for July 25, 2014. On July 25, 2014, however, § 87(2)(b) called in advance of the appointment to state that § 87(2)(b) no longer wished to cooperate with the investigation. She was asked to have § 87(2)(b) himself call to confirm this. On July 28, 2014, a modified final please-call letter was sent to § 87(2)(b) asking to confirm whether he would provide a statement. Neither letter mailed to § 87(2)(b) was returned to the CCRB by the US Postal Service. To date, § 87(2)(b) has not responded to these contact attempts.
 - Included in the SPRINT recording was a 911 call made by an unidentified male who observed the arrest from a nearby house. While the male did not provide a name or telephone number, he indicated that he lived at § 87(2)(b). A Lexis Nexis search returned the name § 87(2)(b), as well as a telephone number. A call on October 15, 2014 found that the number was disconnected. Please-call letters were sent to § 87(2)(b) on October 15, 2014 and October 23, 2014. Neither letter was returned to the CCRB by the US Postal Service. To date, neither § 87(2)(b) nor any other resident of § 87(2)(b) has responded to these contact attempts.

NYPD Statement(s):

Subject Officer: DET. SEKOU BOURNE

- *Det. Bourne, § 87(2)(b) old at the time of the incident, is a 5'10", 220-pound black male with black hair and brown eyes.*
- *On June 4, 2014, Det. Bourne worked from 10:00 a.m. until 6:33 p.m. He was assigned to the prisoner van for a Brooklyn North Narcotics team along with Det. Raymond Gordon. Det. Bourne was in plainclothes, and assigned to an unmarked black van, RMP #6203.*

Memo Book

At 3:45 p.m. on June 4, 2014, Det. Bourne arrested § 87(2)(b) near the intersection of Waverly Avenue and Gates Avenue, in Brooklyn. § 87(2)(b) was taken to § 87(2)(b), while Det. Bourne traveled to the 88th Precinct stationhouse (Encl. 9A-B).

CCRB Testimony

Det. Bourne was interviewed at the CCRB on September 4, 2014 (Encl. 9C-E). He was subsequently re-interviewed at the CCRB on November 18, 2014 (Encl. F-G). At approximately 3:45 p.m. on June 4, 2014, Det. Bourne and Det. Gordon were driving near the intersection of Waverly Avenue and Fulton Street, in Brooklyn. Det. Gordon was driving, and Det. Bourne was in the front passenger's seat. As they passed through the intersection, Det. Bourne noticed a group of several individuals standing at the corner, passing a brown cigar amongst themselves. Det. Bourne would later identify one of these individuals as § 87(2)(b). The investigation would identify three of the other individuals as § 87(2)(b) and § 87(2)(b). Det. Bourne believed that the cigar contained marijuana, as cigars containing tobacco are usually not passed around.

After passing by the group, Det. Bourne decided to approach the group to find out if they were in possession of marijuana. As the van had already driven past the group, Det. Bourne exited and approached on foot, while Det. Gordon stayed in the van to make a U-turn. Det. Bourne's shield was displayed around his neck at the time. As soon as Det. Bourne exited the van, he detected the odor of marijuana, confirming to him that the cigar did not contain tobacco. At the time, § 87(2)(b) was holding the cigar. Det. Bourne walked towards § 87(2)(b) verbally identified himself as an officer, and told § 87(2)(b) not to move. § 87(2)(b) however, turned and started walking north on Waverly Avenue. Det. Bourne told § 87(2)(b) again not to leave. After this second warning, § 87(2)(b) sped up and started running up the avenue. Det. Bourne chased after him. He did not notice if any of the other people § 87(2)(b) had been with initially ran along with § 87(2)(b). Det. Gordon was still turning the van around at that time, and did not participate in the pursuit.

Det. Bourne chased § 87(2)(b) approximately half a block north on Waverly Avenue. As § 87(2)(b) ran, he threw the cigar to the ground. Once Det. Bourne caught up to § 87(2)(b) he pushed him to the ground in order to stop him. Det. Bourne pushed § 87(2)(b) on the torso with both hands, but did not recall if he pushed § 87(2)(b) from the front or back. He denied that § 87(2)(b) ever stopped running or turned to face him. § 87(2)(b) fell onto his back, with his arms out to his sides. Det. Bourne was quickly able to reach down, grab § 87(2)(b)'s left wrist, and place it in handcuffs. In response, however, § 87(2)(b) held his right arm extended out to his side, keeping his wrist out of Det. Bourne's grasp.

Det. Bourne stood at § 87(2)(b)'s left side, holding onto his left wrist. He stated that he was hesitant to reach across § 87(2)(b)'s body to grab the right wrist, as he would have to lean over § 87(2)(b). He was concerned that from that position, § 87(2)(b) might either knock him off his balance or reach for his gun. Det. Bourne ordered § 87(2)(b) several times to give up his right arm. While he denied telling § 87(2)(b) "Turn the fuck around," he did tell § 87(2)(b) "Give me your fucking hand." Det. Bourne explained that he used profanity in his command in order to convey the severity of the situation to § 87(2)(b) in hopes of gaining his compliance. § 87(2)(b) did not yield his right arm, or make any other movements. § 87(2)(b) did not say anything to Det. Bourne while on the ground, and did not request Det. Bourne's identifying information. Det. Bourne noted that § 87(2)(b)'s pants had sagged down below his waist, exposing his underwear. He denied pulling the pants down himself.

As Det. Bourne stood over § 87(2)(b) several of the individuals who had been standing with § 87(2)(b) stood in a circle around him. The investigation identified two of these individuals as § 87(2)(b) and § 87(2)(b). At least one of these individuals was holding a cell phone out to record the incident. The crowd was angrily shouting at Det. Bourne, telling him to leave § 87(2)(b) alone. At least one told Det. Bourne, "You fucked up, boy." Due to their proximity and angry demeanor, Det. Bourne feared that one of these individuals might attempt to physically interfere with § 87(2)(b)'s arrest. He told them several times to back away. These commands were ignored. At one point, one of these bystanders came up directly behind Det. Bourne, coming within feet of him. Det. Bourne turned towards this individual and told him, "You want to get fucked up?" Det. Bourne explained that, much like he did while issuing commands to § 87(2)(b) he used this threatening language in order to convey the gravity of the order to the individual. While Det. Bourne did not recall this individual making any response, neither he nor any of the other bystanders attempted to directly interfere with the arrest.

Feeling threatened by the bystanders, Det. Bourne decided that he needed to quickly and decisively end the struggle with § 87(2)(b) and place him in handcuffs. To do so, he punched § 87(2)(b) once in the face. He did not recall where on § 87(2)(b)'s face he made contact. Once struck, § 87(2)(b) immediately went limp, and appeared to lose consciousness. Det. Bourne was quickly able to get § 87(2)(b)'s right arm under control and in handcuffs. No further force was necessary to restrain § 87(2)(b). The bystanders started shouting at Det. Bourne, accusing him of knocking § 87(2)(b) out.

Shortly after § 87(2)(b) was handcuffed, Det. Gordon arrived on foot. He had not been present during the pursuit or the struggle. Det. Bourne did not recall seeing any injuries on § 87(2)(b) at that time. While § 87(2)(b) remained still on the ground at that time, Det. Bourne told Det. Gordon that he suspected § 87(2)(b) of faking unconsciousness to get sent to the hospital. At that remark, § 87(2)(b) appeared to smirk slightly, which seemed to confirm Det. Bourne's suspicions. § 87(2)(b) however, remained still.

An ambulance was called to examine § 87(2)(b). It arrived several minutes later. When § 87(2)(b) was loaded inside, he appeared to regain consciousness. Det. Bourne did not accompany § 87(2)(b) when the ambulance took him to § 87(2)(b). He had no further interaction with § 87(2)(b). While the cigar that § 87(2)(b) had discarded was never recovered, Det. Bourne was later informed that another officer from the narcotics team, identified by the investigation as Det. Gladstone, recovered further marijuana from § 87(2)(b)'s person.

Det. Bourne was shown cell phone footage of the incident, taken by one of the bystanders. He identified himself as the male in the dark shirt, and § 87(2)(b) as the male in the white shirt that

he was standing over. When shown at 0:10 where he pulled on § 87(2)(b)'s right arm and told him, "Turn the fuck around," Det. Bourne recalled that he had tried to turn § 87(2)(b) over in order to facilitate rear-cuffing, but that § 87(2)(b) refused to turn. He reiterated that he used profanity while issuing commands in order to gain § 87(2)(b)'s compliance. When played the section of the video at 0:20 where a loud thumping noise can be heard, Det. Bourne stated that this was likely when he punched § 87(2)(b). When played the section at 0:30 where a voice can be heard stating, "You fucked up, boy," Det. Bourne stated that this was one of the civilian bystanders speaking. He identified the red-shirted male seen at 0:40 as Det. Gordon.

Witness Officer: DET. RAYMOND GORDON

- Det. Gordon, § 87(2)(b) old at the time of the incident, is a 5'11", 240-pound black male. He is bald, and has brown eyes.
- On June 4, 2014, Det. Gordon worked the same tour and assignment as Det. Bourne.

Memo Book

At 3:45 p.m. on June 4, 2014, § 87(2)(b) was arrested near the intersection of Fulton Street and Waverly Avenue for § 87(2)(b). At 3:55 p.m., § 87(2)(b) was transported to § 87(2)(b), while Det. Gordon traveled to the 88th Precinct stationhouse (Encl. 10A-C).

CCRB Testimony

Det. Gordon was interviewed at the CCRB on September 4, 2014 (Encl. D-F). At approximately 3:45 p.m. on June 4, 2014, Det. Gordon and Det. Bourne were driving near the intersection of Waverly Avenue and Fulton Street, in Brooklyn. Det. Gordon was driving. As they drove through the intersection, Det. Gordon noticed a group of individuals, identified by the investigation as including § 87(2)(b) and § 87(2)(b) standing on the corner at about the same time as Det. Bourne. § 87(2)(b) and his group were passing a cigarette around between themselves. He suspected that the cigarette contained marijuana, rather than tobacco, because the cigarette was unfiltered, burned a slightly different color, and produced a larger volume of smoke than would be expected with a tobacco cigarette. When § 87(2)(b) and his group noticed the two detectives watching them, they started walking north on Waverly Avenue. Det. Bourne exited the van to approach the group, while Det. Gordon turned the van around. As soon as Det. Bourne exited the vehicle, § 87(2)(b) and his group immediately started running. Det. Gordon did not hear Det. Bourne say anything to the group before chasing after them. Det. Gordon lost sight of his partner at that time.

As Waverly Avenue is a one-way street, Det. Gordon had to wait for several cars to pass before driving up it. When the street finally cleared and Det. Gordon drove the van up, he found Det. Bourne standing over § 87(2)(b) approximately half-way up the block. § 87(2)(b) was in handcuffs, and appeared to be unconscious. Det. Gordon did not recall seeing any injuries to § 87(2)(b). Several civilians were standing around § 87(2)(b). Det. Gordon believed that these were not the same individuals who had been standing with § 87(2)(b) originally.

Det. Gordon did not know how § 87(2)(b) ended up in handcuffs. He did not see how the pursuit ultimately resolved. He did not know if § 87(2)(b) offered any resistance to Det. Bourne, or if Det. Bourne used any force against him. He did not hear § 87(2)(b) ask Det. Bourne for his identifying information at any time. He did not hear Det. Gordon use profanity at any point.

The crowd surrounding § 87(2)(b) and Det. Bourne appeared agitated and angry, and were shouting their protests towards Det. Bourne. While Det. Gordon did not recall how many bystanders were there, he did recall that they were standing within a few feet of Det. Bourne. Due to their proximity and agitated demeanor, Det. Gordon feared that they might attempt to intervene in the arrest. Det. Gordon moved through the crowd to get to Det. Bourne, telling the bystanders as he moved to step back from him.

As § 87(2)(b) was breathing at the time, Det. Gordon assumed that he had lost consciousness at some point. As he spoke to Det. Bourne to find out what had happened, he noticed one of § 87(2)(b)'s legs moving slightly. This caused him to suspect that § 87(2)(b) was only feigning unconsciousness. Despite this suspicion, however, an ambulance was called in case § 87(2)(b) had actually been knocked out. The ambulance arrived several minutes later, along with several members of the Narcotics team. The investigation identified two of these other narcotics officers as Det. Gladstone and Det. Tulloch. By the time the ambulance arrived, § 87(2)(b) had either regained consciousness, or ceased pretending to be unconscious. When § 87(2)(b) was walked to the ambulance, his pants began to sag slightly, exposing his underwear. No officer pulled the pants down. Beyond this, Det. Gordon did not see § 87(2)(b)'s underwear exposed at any other point during the incident.

§ 87(2)(b) was transported to § 87(2)(b). Det. Gordon did not accompany him. While Det. Gordon did not know if the cigarette was ever retrieved from § 87(2)(b) he was later informed that another officer, identified by the investigation as Det. Gladstone, found marijuana in § 87(2)(b)'s shoe at some later point.

Det. Gordon was shown cell phone footage of the incident taken by one of the bystanders. He identified himself as the red-shirted male seen at 0:40, and § 87(2)(b) as the white-shirted male seen at the ground. He was unable to identify the male in the dark shirt seen standing over § 87(2)(b) initially. Det. Gordon did not witness any of the events in the recording before his entrance at 0:40, stating that he was not present for any of them.

Medical Records

FDNY Ambulance Call Report

The FDNY found no Ambulance Call Reports or Prehospital Care Reports on file for § 87(2)(b) (Encl. 17I).

§ 87(2)(b) Medical Records

During his sworn statement, § 87(2)(b) signed a medical release form allowing the CCRB to request copies of his records at § 87(2)(b). § 87(2)(b) however, declined to initial the section of the form allowing the hospital to release records related to alcohol or drug treatment, mental health information, or HIV-related information. It was explained to § 87(2)(b) that some medical providers refuse to honor subpoenas if these supplementary sections on the medical release form are not filled out. It was further explained that the CCRB would likely be unable to obtain his medical records under such circumstances. While § 87(2)(b) acknowledged this possibility, he still declined to fill out the supplemental section on the form.

A subpoena was mailed to § 87(2)(b) with a copy of the medical release form enclosed on June 24, 2014. On July 9, 2014, the hospital returned the subpoena, which included a letter stating that as § 87(2)(b) had not filled out the above-mentioned section on the form, they would not honor the subpoena. On October 17, 2014, a call was made to § 87(2)(b), § 87(2)(b)'s civil attorney, to discuss whether the records could be provided. He stated that he would discuss the matter with the § 87(2)(b) directly. To date, however, no response has been received from § 87(2)(b) or the § 87(2)(b) § 87(2)(b)'s medical records therefore could not be obtained (Encl. 17J).

NYPD Document(s)

Arrest # § 87(2)(b)

§ 87(2)(b)'s arrest report was prepared by Det. Tulloch. At § 87(2)(b), § 87(2)(b) was arrested at 480 Waverly Avenue. The narrative states that § 87(2)(b) was observed holding a lit marijuana cigarette in public view. Upon approach, § 87(2)(b) fled, and refused to be placed in handcuffs. A search incident to his arrest found that § 87(2)(b) was in possession of a Ziploc bag containing additional marijuana (Encl. 11D-F).

Property Clerk Invoices

Det. Gladstone prepared property vouchers for § 87(2)(b)'s arrest. An unspecified amount of marijuana in a plastic bag was vouchered as arrest evidence, while a set of headphones were vouchered for safekeeping (Encl. 13P-R).

Criminal Court Complaint

§ 87(2)(b)'s criminal court complaint was also prepared by Det. Tulloch, and is generally consistent with the arrest report. The complaint, however, specifies that Det. Tulloch himself did not witness the incident, and that he prepared the narrative based upon information provided by Det. Bourne. It also specifies that Det. Gladstone retrieved the Ziploc bag from § 87(2)(b)'s sock after his arrest (Encl. 11G-H).

SPRINT # § 87(2)(b)

At 3:24 p.m. on June 4, 2014, two anonymous callers, one male and one female, separately called 911 to report a struggle taking place on Waverly Avenue, between Fulton Street and Gates Avenue. Both suspected that the struggle might have been an arrest, but were unsure because neither individual was wearing a uniform. Both callers disconnected after about a minute when they saw the police arriving. Neither caller provided a name or telephone number, but the male caller stated that § 87(2)(b)

At 3:26 p.m., a Narcotics unit requested backup via radio run at Waverly Avenue, between Fulton Street and Gates Avenue. Several units from the 88th Precinct responded, including sector A, Conditions, and the Executive Officer. Narcotics later clarified that the request was in regards to the same complaint that had been lodged by the anonymous callers. An ambulance was then requested at the location for an unidentified civilian (Encl. 13C-O).

88th Precinct Command Log

At 9:00 p.m. on June 4, 2014, § 87(2)(b) was transported to the 88th Precinct stationhouse after being released from an unspecified hospital. His physical/mental condition is listed only as “removed to hospital.” He was subsequently transported to Central Booking at 9:20 p.m. (Encl. 13U).

Other Evidence

Cell Phone Footage

During his interview on June 16, 2014, § 87(2)(b) provided cell phone footage of the incident that was taken either by § 87(2)(b) or § 87(2)(b). The video is attached in IA #4. This footage had low video and audio quality. On October 9, 2014, a cleaned-up version of the same footage with improved video and audio quality was posted on § 87(2)(b)' website. The video is attached in IA #85.

The video shows a black male in a black shirt, identified by the investigation as Det. Bourne, standing over a black male in a white shirt, identified by the investigation as § 87(2)(b). § 87(2)(b) is lying on his back on the sidewalk between a tree and a parked SUV. Det. Bourne pulls at § 87(2)(b)'s right arm. § 87(2)(b) makes no effort to pull his arm away from Det. Bourne. An unidentified male is seen standing a few feet behind Det. Bourne. The person holding the camera is standing only a few feet from Det. Bourne and § 87(2)(b). Det. Bourne turns and shouts at the person recording, telling them, “Back away right now.” The person holding the camera steps back, but then approaches again.

§ 87(2)(b) tells Det. Bourne, “Mister, it was just a cigarette!” At 0:10, Det. Bourne shouts at § 87(2)(b). “Turn the fuck around!” Det. Bourne places his left foot down on § 87(2)(b)'s right hip and attempts to roll § 87(2)(b)'s body towards him. § 87(2)(b) screams in response. Det. Bourne then resumes pulling on § 87(2)(b)'s right arm. § 87(2)(b) repeats, “Mister, it was just a cigarette, sir!” § 87(2)(b)'s left arm can be seen free at his side as he turns. At 0:17, the unidentified male walks to within a few feet of Det. Bourne. He does not reach out towards either Det. Bourne or § 87(2)(b). Det. Bourne then turns towards the male behind him and states, “You want to get fucked up?” The male then stepped back several feet. He did not approach Det. Bourne again.

As § 87(2)(b) turned on the ground, the individual holding the camera moved around the tree to record the incident from a different angle. As the camera moves, a loud thumping sound can be heard at 0:21. § 87(2)(b) briefly shouts before going silent. He then lies unmoving on the ground, turned now onto his right side.

His pants appear to be pulled down to around his crotch, though it is unclear how they came to be in this position. At 0:31, a voice can be heard stating, “You fucked up, boy.” While it is unclear which person makes this statement, the voice does not match Det. Bourne's. At 0:34, Det. Bourne shouts, “Turn around.” A female voice, identified by the investigation as § 87(2)(b) then repeatedly shouts, “You knocked him out! You knocked him out!”

At 0:37, a black unmarked van pulls up, and a black male in a red shirt, identified by the investigation as Det. Gordon, exits. Det. Bourne and Det. Gordon bend over § 87(2)(b)'s

seemingly unconscious body. The detectives turn § 87(2)(b) onto his front, bring his hands behind his back, and place him in handcuffs (Encl. 12A).

Summons/Arrest for Incident and Disposition

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Status of Civil Proceedings

- The § 87(2)(b) filed a notice of claim with the City of New York on § 87(2)(b), claiming false arrest and imprisonment, assault, and civil rights violations, and seeking \$5,000,000 in redress. To date, no 50h hearing has been scheduled or taken place (Encl. 5D-E).

Civilian(s) Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Civilian(s) CCRB History

- This is the first CCRB complaint involving § 87(2)(b) or § 87(2)(b) (Encl. 3A-B).

Subject Officer(s) CCRB History

- Det. Sekou Bourne has been a member of the service for fourteen years and there are six substantiated CCRB allegations against him (Encl. 2A-C).
 - In case #200710870, an entry allegation was substantiated against Det. Bourne. Charges were recommended, but he was found not guilty at his department trial.
 - In case #201102711, an entry allegation was substantiated against Det. Bourne. He received instructions.
 - In case #201103348, a stop allegation was substantiated against Det. Bourne. He received instructions.
 - In case #201303046, entry, frisk and search allegations were substantiated against Det. Bourne. The board recommended charges, but the NYPD has not made its final disposition on the matter.

Conclusion

Identification of Subject Officer(s)

§ 87(2)(b) alleged that an officer pushed him to the ground, refused to provide his name and punched him in the face. Det. Bourne and Det. Gordon identified Det. Bourne as the officer who pursued § 87(2)(b) and took him into custody. Det. Bourne further stated that he struck § 87(2)(b) and used profanity against him. § 87(2)(g)
[REDACTED]

Allegations Not Pleaded

- § 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
- § 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- In the video provided by § 87(2)(b) [REDACTED] Det. Bourne can be heard threatening one of the other civilians, stating, “You want to get fucked up?” As Det. Bourne’s profanity was used in the context of a threat, a discourtesy allegation has been subsumed with the threat of force allegation.
- § 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- § 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]

Investigative Findings and Recommendations

Allegation A: Force - Det. Sekou Bourne used physical force against § 87(2)(b) [REDACTED]

It is undisputed that § 87(2)(b) [REDACTED] fled from Det. Bourne upon his initial approach. It is also undisputed that Det. Bourne tackled § 87(2)(b) [REDACTED] to the ground at the conclusion of his pursuit. § 87(2)(b) [REDACTED]’s pursuit and the subsequent tackle were not captured by the video footage.

§ 87(2)(b) [REDACTED] stated that he stopped running before Det. Bourne brought him to the ground, and that he suffered scrapes to his elbows as a result of the fall. Det. Bourne stated that § 87(2)(b) [REDACTED] was still running at the time of the tackle. He denied seeing any injuries on § 87(2)(b) [REDACTED] including scrapes on his elbows.

NYPD Patrol Guide procedure 203-11 states that an officer may use minimal force to overcome a suspect’s resistance (Encl. 1A-B).

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

Allegation B: Discourtesy – Det. Sekou Bourne spoke discourteously to § 87(2)(b)

While § 87(2)(b) did not allege during his sworn statement that Det. Bourne used any profanity, he provided a copy of a video of the incident, during which time Det. Bourne can be heard stating, “Turn the fuck around.” Det. Bourne confirmed that he made this statement, and explained that he used profanity in order to convey to § 87(2)(b) the severity of the situation, and to get him to cease his resistance. Det. Bourne also cited a general fear for his safety due to the bystanders’ presence and general proximity to § 87(2)(b). Det. Gordon denied being present at the time of the alleged profanity.

Harsh or profane language, when used in an effort to maintain order during a stressful street encounter, does not represent misconduct. Police Department v. White, OATH Index #78667/03 (Encl. 1C-G). NYPD Patrol Guide procedure 203-09 states that officers must act in a courteous and respectful manner when interacting with members of the public (Encl. 1R).

§ 87(2)(g)
[REDACTED]. While it is undisputed that § 87(2)(b) resisted arrest when he fled from Det. Bourne, he displayed no further active resistance once he was on the ground. Though § 87(2)(b) was not directly compliant with Det. Bourne, he is not seen in the video footage attempting to pull his limbs away from Det. Bourne, or otherwise directly deter Det. Bourne from physically controlling him.

Additionally, § 87(2)(b) can be heard in the video addressing Det. Bourne in a respectful tone, referring to him as “Mister.” § 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED] While Det. Bourne was separated from his partner at the time, none of the civilians were alleged to have either directly intervened in the arrest, or threatened to do so. None are seen doing so in the video footage, either. § 87(2)(g)
[REDACTED]

§ 87(2)(g)

Allegation C: Abuse of Authority – Det. Sekou Bourne threatened § 87(2)(b) with the use of force.

While § 87(2)(b) did not allege during his sworn statement that Det. Bourne threatened any of the other civilians, he provided a copy of a video of the incident, during which time Det. Bourne can be heard telling an unidentified bystander, “You want to get fucked up?” Det. Bourne confirmed that he made this statement, and explained that he made this threat because the male approached him from behind after being told several times to keep his distance. Det. Bourne stated that he did so in order to convey to this individual the gravity of the situation and to prevent him from potentially interfering with the arrest. Det. Gordon denied being present at the time of the alleged profanity, which is confirmed by the video.

NYPD Patrol Guide procedure 203-11 states that an officer may use minimal force to overcome a suspect’s resistance (Encl. 1A-B).

§ 87(2)(g)

§ 87(2)(g)

Allegation D: Force - Det. Sekou Bourne used physical force against § 87(2)(b)

It is undisputed that Det. Bourne punched § 87(2)(b) once in the face while he was on the ground. Det. Bourne’s blow was captured in the video footage.

§ 87(2)(b) denied offering any resistance when Det. Bourne attempted to handcuff him. He stated that he was unable to provide his hands, as Det. Bourne had pinned one of his arms beneath his chest by stepping on his back. Det. Bourne stated that § 87(2)(b) resisted by holding his right arm away from his body, which prevented him from placing § 87(2)(b) in handcuffs. Det. Bourne further stated that he felt threatened by the bystanders due to their proximity and their hostile demeanor. Det. Gordon was not present at the time of the force.

The video footage provided shows that § 87(2)(b) was on his back, and that neither of his arms were pinned under his chest. § 87(2)(b)’s left arm is extended at his side, while Det. Bourne is holding § 87(2)(b)’s right arm up. § 87(2)(b) makes no effort to pull the hand away from Det. Bourn. Det. Bourne attempts to turn § 87(2)(b) over onto his side, but is ultimately unable to

fully pull him off of his back. § 87(2)(b) attempts to plead with Det. Bourne, stating, “Mister, it was just a cigarette.”

While the punch itself is not seen, a loud thud is heard, and § 87(2)(b) appears to go limp afterwards. Det. Bourne confirmed that this was likely when he punched § 87(2)(b) in the face.

While several bystanders, including the individual taking the footage, are seen standing within several feet of Det. Bourne, none make any effort to directly intervene in § 87(2)(b)'s arrest, or make any threatening statements towards Det. Bourne.

NYPD Patrol Guide procedure 203-11 states that an officer may use minimal force to overcome a suspect's resistance (Encl. 1A-B).

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

Team: _____

Investigator: _____	_____	_____
Signature	Print	Date

Supervisor: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date